roads' own ground is used by the vehicles of this line of coaches, from whence they may be called by electric bells to the different exits from the depot. The city of Chicago by ordinance established the east side of Canal street, between Adams and Madison, as a place where hacks were permitted to stand. The Railway Company brought a bill, praying for an injunction restraining the city from continuing the stand for hacks, on the ground of irreparable injury by reason of interference, interruption and daily inconvenience to the complainants, amounting to an interference with their private rights, and causing an unjust burden upon their property without compensation. And, further, that it gives for private use a portion of Canal street, which is held by the city in trust solely for use as a public street. *Held*, the ordinance is a reasonable and valid exercise of the powers conferred upon the Common Council of the city of Chicago. Decree of lower court dismissing bill affirmed.

The doctrine of the court is that a railroad is a quasi-public corporation, and a railroad depot a public building. The special easement of the abutting owner in the case of a building used for public purposes, though privately owned, inheres in the city as trustee for the public. That it may, as a benefit to the public, and to prevent the railroad company from monopolizing the business of transfer, permit hack stands at such places. Cf. *Railroad Co.* v. *Langlois*, 9 Mont. 419; *Railroad* v. *Tripp*, 147 Mass. 43; *Marriott* v. *Railway*, 1 C. B. (N. S.) 499; *McConnell* v. *Pedigo*, 92 Ky. 465; *State* v. *Reed*, 24 Lou. 308 (Miss.).

Cartwright, C. J., dissents. The occupation of a street as a place for the owners of hacks, carriages, and express wagons to keep them while waiting for employment in the carriage of persons or property, is a purely private use. It is of the same nature as the occupation of premises as a stable yard. *Rex* v. *Cross*, 3 Camp. 224; *Branahan* v. *Hotel Co.*, 39 Ohio St. 333; *McCaffrey* v. *Smith*, 41 Hun. 117. Such a use is a perversion and violation of the trust on which the city holds the streets. 2 *Dill. Mun. Corp.* § 660; *Com.* v. *Passmore*, 1 Serg. and Rawle 217; *Lockwood* v. *Railroad Co.*, 122 Mo. 86. Injunction is a proper remedy. *High Injunctions*, 3d Ed. § 816; *Hill. Inj.*, 273; *Greene* v. *Oakes*, 17 Ill. 249.

MUNICIPAL CORPORATIONS—RIPARIAN OWNERS—POLLUTION OF WATER COURSES BY SEWAGE—INJUNCTION—CITY OF VALPARAISO V. HAGEN, 54 N. E. 1062 (Ind.).—The sewage system of Valparaiso, a city of 8,000 inhabitants, discharges 47,000 gallons of sewage daily into a marsh that drains into Salt Creek. The city further arranged for a direct outlet by the extension of its main sewer through the marsh to Salt Creek. Ninteen owners of lower lands abutting on this stream brought a bill praying that the city be enjoined forever from constructing said sewer outlet, or emptying the sewage of the city into said stream. Upon error for demurrer, overruled, *held*, failure to aver the absence of skill or want of due care, or that some other outlet could more reasonably be had, or that some other reasonable method of disposing of city sewage is available, is a fatal defect and the demurrer should be sustained.

The right of the riparian owner is not absolute, but a natural one, qualified and limited like all natural rights by the existence of like rights in others. His enjoyment is prior to those below him and subsequent to those above. *Merrifield* v. *Worcester*, 110 Mass. 218. The city of Valparaiso is an upper riparian owner. As such it has rights to the use of Salt Creek, though these rights are correlative with those of other riparian owners on the same stream. *Bassett* v. *Salisbury Mfg. Co.*, 43 N. H. 569. Any damage resulting from acts of the city in a reasonable exercise of these rights would be *damnum absque injuria*. It must be presumed that public officers will perform their duties reasonably and with due care, therefore, injunction will not lie.